


RESOLUTION NO. R- 10-78

*Bill No R-78-12-07*

A RESOLUTION authorizing the Mayor and Clerk to execute, acknowledge and deliver in the name of and on behalf of the City of Fort Wayne, Indiana, (1) a Release from all obligations of the Trustee under a certain March 1, 1975, Mortgage and Indenture of Trust entered into for the issuance of a \$550,000 Economic Development First Mortgage Revenue Bond (Gunnar Elliott Ice Arena, Inc. Project) of the City of Fort Wayne, Indiana, (2) a Release from all lease obligations of Gunnar Elliott Ice Arena, Inc. under a Lease Agreement between the City of Fort Wayne, Indiana as Lessor and Gunnar Elliott Ice Arena, Inc. as Lessee, and (3) a Warranty Deed from the City of Fort Wayne of the real estate, machinery and miscellaneous equipment to Lincoln National Bank and Trust Company of Fort Wayne as sole Bondholder.

WHEREAS, on May 20, 1974, by Resolution No. 74-21, the Fort Wayne Development Commission of the City of Fort Wayne (the "Commission") adopted a resolution finding that the economic welfare of the City of Fort Wayne, Indiana (the "City") would be benefited by the acquisition and leasing to Gunnar Elliott Ice Arena, Inc. (the "GEIA") of economic development facilities and the corresponding issuance of an Economic Development First Mortgage Revenue Bond to finance such acquisition;

WHEREAS, on March 11, 1975, by Resolution No. R-19-75 and on March 25, 1975, by Resolution No. R-38-75 the Common Council of the City of Fort Wayne, Indiana (the "Common Council") authorized the issuance of an Economic Development First Mortgage Revenue Bond (Gunnar Elliott Ice Arena, Inc. Project) (the "Bond") in the total principal amount of Five Hundred Fifty Thousand Dollars (\$550,000) and the execution of related documents including but not exclusively a Mortgage and Indenture of Trust (the "Indenture") between the City and Lincoln National Bank and Trust Company of Fort Wayne (the "Trustee") and a Lease Agreement (the "Lease") between the City and GEIA;

APPROVED AND LEGALIZED  
  
 CITY ATTORNEY

WHEREAS, the Bond, the Lease and the Indenture were executed March 26, 1975, effective retroactive to March 1, 1975, by the appropriate parties;

WHEREAS, in March, 1977, an event of default occurred under the terms of the Lease and Indenture, notice of which was given to the City and GEIA on April 6, 1977, and subsequently the required payments on the Bond also went into default;

WHEREAS, the Trustee has neither been able to find a new suitable lessee under the Lease nor has the Bondholder been able to sell the Bonds;

WHEREAS, the Trustee recommends that the City and the Trustee release the Project from the lien of the Indenture;

WHEREAS, the Bondholder to facilitate sale of a portion of the Project requests that the Common Council authorize and empower the Mayor and City Clerk to execute appropriate documents to deed the Project to the Bondholder, to release the Trustee from any future liabilities and obligations, and to release GEIA from any future liabilities under the Lease;

WHEREAS, the Trustee intends to thereafter resign from its responsibilities and duties under the Indenture; and

WHEREAS, the obligations and liabilities of the Commission and the City were limited solely to the good faith efforts to consummate said proceedings, to issue the Bond, to hold legal title to the Project without any other responsibilities incident to such legal ownership, and neither the City, the Commission, nor its officers or agents were to incur any liability to any Bondholder if said Bond went into default;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. To facilitate the sale of a portion of the Project by the Bondholder, the Mayor and Clerk of the City are authorized and directed to execute (a) a Warranty Deed of the Project from the City to the Bondholder, (b) a Release of GEIA from all future liability

under the Lease, and (c) a Release from any future liability or obligations of the Trustee under the Indenture and a termination of the effect and force of the Indenture subsequent to the release by the Trustee of the Project from the lien of the Indenture.

Section 2. This Resolution shall be in full force and effect immediately upon its adoption by the Common Council and approved by the Mayor.

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Councilman

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CITY CLERK

Read the third time in full and on motion by J. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~100%~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>7</u>	<u>0</u>	_____	<u>2</u>	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
HINGA	_____	_____	_____	<u>✓</u>	_____
HUNTER	<u>✓</u>	_____	_____	_____	_____
MOSES	<u>✓</u>	_____	_____	<u>✓</u>	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 2-14-78

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. B-10-78 on the 14th day of February, 1978.  
ATTEST: (SEAL) Samuel J. Talarico  
Charles W. Titusman CITY CLERK  
Samuel J. Talarico PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of February, 1978, at the hour of 11:30 o'clock A. M., E.S.T.

CITY CLERK

Approved and signed by me this 22nd day of February, 1978, at the hour of 9:00 o'clock A. M., E.S.T.

MAYOR

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

84

2

89

## COMPUTATION OF CHARGES

89 lines, 1 columns wide equals 89 equivalent lines at \$259.4 cents per line

\$ 23.05

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

6.00

TOTAL AMOUNT OF CLAIM

\$ 29.05

## COMPUTING COST

Number of single column insertions 9.9

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just and no part of the same has been paid.

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

3/3-10/78

Subscribed and sworn to before me this 10th day of March 1978

Notary Public

My commission expires September 28, 1979

NOTICE OF THE COMMON COUNCIL OF FORT WAYNE, INDIANA

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. Z-77-12-30—ZONING MAP ORDINANCE NO. Z-64-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-12-30—GENERAL ORDINANCE NO. G-64-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-27.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-65-34—GENERAL ORDINANCE NO. G-64-78, being AN ORDINANCE amending General Ordinance No. G-64-78 by authorizing the vacation of a certain utility easement.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-77-12-30—Zoning Map Ordinance No. Z-64-78, that Bill No. Z-77-12-30—Zoning Map No. L, General Ordinance No. Z-64-78, that Bill No. G-77-65-34—General Ordinance No. G-64-78, were passed by the Common Council on the 14th day of February, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 22nd day of February, 1978, and now remains on file and on record in my office.

WITNESSED my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1978.

Charles W. Westerman  
City Clerk

Copies of said Bill No. Z-77-12-30—Zoning Map Ordinance No. Z-64-78, Bill No. Z-77-12-30—Zoning Map No. L, and Bill No. G-77-65-34—General Ordinance No. G-64-78, are posted in the following public places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby at the east door of the Allen County Court House.

(3) The bulletin board in the lobby of the Downtown Public Library

Copies of said Bill No. Z-77-12-30—Zoning Map Ordinance No. Z-64-78, Bill No. Z-77-12-30—Zoning Map No. L, and Bill No. G-77-65-34—General Ordinance No. G-64-78, are posted in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on March 3, 1978.

Charles W. Westerman  
City Clerk

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RTISEMENT HERE





Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

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## COMPUTATION OF CHARGES

89 lines, 1 columns wide equals 89 equivalent lines at .25¢ cents per line \$ 22.05

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

## TOTAL AMOUNT OF CLAIM

## PUTTING COST

1 of single column 8 cms

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

Arvilla DeWald

10, 19 78

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

Subscribed and sworn to before me this 10th day of September 1978

My commission expires September 28, 1979

Arvilla DeWald  
Notary PublicNOTICE OF THE  
COMMON COUNCIL,  
FORT WAYNE, INDIANA

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. Z-77-12-28—ZONING MAP ORDINANCE NO. Z-03-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-05-34—ZONING MAP ORDINANCE NO. G-04-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-27.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-05-34—GENERAL ORDINANCE NO. G-04-78, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-77-12-28—Zoning Map Ordinance No. Z-03-78, and Bill No. Z-77-12-30—Zoning Map Ordinance No. Z-04-78, and that Bill No. G-77-05-34—General Ordinance No. G-04-78, were passed by the Common Council on the 14th day of February, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 22nd day of February, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1978.

Charles W. Westerman  
City Clerk  
Copies of said Bill No. Z-77-12-28—Zoning Map Ordinance No. Z-03-78, Bill No. Z-77-12-30—Zoning Map No. Z-04-78, and Bill No. G-77-05-34—General Ordinance No. G-04-78, are posted in the following public places in Fort Wayne, Allen County, Indiana:  
(1) The main floor lobby of the City-County Building  
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Copies of said Bill No. Z-77-12-28—Zoning Map Ordinance No. Z-03-78, Bill No. Z-77-12-30—Zoning Map No. Z-04-78, and Bill No. G-77-05-34—General Ordinance No. G-04-78, are posted in the following public places in Fort Wayne, Indiana:  
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Charles W. Westerman  
City ClerkI, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on March 3, 1978.  
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City Clerk

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

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Width of single column 9.9 ems

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Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 10, 1978

Arvilla DeWald  
Title CLERK

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Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

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Notary Public

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Charles W. Westerman  
City Clerk  
I, Charles W. Westerman, Clerk of  
the City of Fort Wayne, Indiana, fu-  
lled and posted the above Ord-  
nances in the designated places as  
stated above on March 3, 1978.  
Charles W. Westerman  
City Clerk